

REMARKS

Claims 1 and 44 have been amended to clarify the subject matter regarded as the invention. Claims 1 – 44 are pending.

The Examiner has rejected claims 1 – 44 under 35 U.S.C. 103(a) as being unpatentable in view of Zigmond and Eldering.

The rejection is respectfully traversed. Independent claims 1 and 44 have been amended to recite, “wherein: (1) the values associated with the plurality of sets of content are bid values that can vary for the same set of content based on a characteristic associated with the content observer at the content display site, (2) an ascertained characteristic regarding the content observer at the content display site based at least in part on sensed data is obtained, and (3) the bid values and the ascertained characteristic are used in selecting one of the plurality of sets of content for display.” For example, in some embodiments, a camera and/or a microphone can be used to sense data at the content display site. For convenience and without limitation, support may be found in page 33, line 18 – page 36, line 26. Zigmond describes obtaining viewer responses/feedback (e.g., channel changes or requests for more information) after display of an advertisement (Col 9, line 21 – Col 10, line 3). Zigmond does not describe an ascertained characteristic that is based at least in part on sensed data, nor does Zigmond describe an ascertained characteristic that is used to select an advertisement for display since a viewer’s response/feedback is obtained after display of an advertisement. Eldering describes using purchasing and/or viewing behavior in auctioning off an advertisement opportunity (Col 4, lines 17 – 54). However, Eldering does not describe an ascertained characteristic based on sensed data as recited in amended claims 1 and 44. Claims 1 and 44 are therefore believed to be allowable.

Claims 2 – 43 depend from claim 1 and are believed to be allowable for the same reasons described above.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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